# Flygtningenævnets baggrundsmateriale

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| **Bilagsnr.:** | **249** |
| Land: | Indien |
| Kilde: | Freedom House |
| Titel: | Freedom of the Press 2014 – India |
| Udgivet: | 8. oktober 2014 |
| Optaget på baggrundsmaterialet: | 18. juni 2015 |

# Freedom of the Press 2014 - India


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| Publisher | Freedom House |
| Publication Date | 8 October 2014 |
| Cite as | Freedom House, *Freedom of the Press 2014 - India*, 8 October 2014, available at: http://www.refworld.org/docid/544debff7.html [accessed 27 July 2015] |




**2014 Scores**

**Press Status:** Partly Free
**Press Freedom Score (0 = best, 100 = worst):** 39
**Legal Environment (0 = best, 30 = worst):** 10
**Political Environment (0 = best, 40 = worst):** 20
**Economic Environment (0 = best, 30 = worst):** 9

While India's vibrant media remained the freest in South Asia in 2013, press freedom in the country was threatened by several factors, including interference by media owners in editorial content in the run-up to the 2014 national elections, and an expansion of censorship and surveillance of digital platforms. An increase in journalist killings, continuing legal actions against journalists, and the temporary suspension of all television, print, and internet services in Kashmir were also issues of concern during the year.

Although the constitution guarantees the freedoms of speech and expression, legal protections are not always sufficiently upheld by the courts or respected by government officials. A number of laws that remain on the books can be used to restrict media freedom. The sedition law, formally Section 124A of the 1860 penal code, outlaws expression that can cause "hatred or contempt, or excites or attempts to excite disaffection" toward the government. The 1923 Official Secrets Act provides authorities with the right to censor security-related articles and prosecute members of the press.

State and national authorities, along with the courts, have also punished sensitive reporting by using other security laws, criminal defamation legislation, bans on blasphemy and hate speech, and contempt-of-court charges. Journalists Lingaram Kodopi and Sudhir Dhawale were separately charged and jailed under the Unlawful Activities Prevention Act (UAPA) and the sedition law due to allegations that they were supporting the Maoist insurgency. Kodopi was released on bail in November 2013 after more than two years in prison, while Dhawale, arrested in 2011, remained in custody at year's end. In 2012, freelance cartoonist Aseem Trivedi was arrested and charged with several offenses, including sedition, for publishing cartoons on his website that allegedly mocked national symbols and criticized government officials for corruption. Trivedi's sedition charge was later dropped, but other charges against him remain pending in court. In 2013 the Sahara conglomerate brought a criminal defamation complaint against journalist Tamal Bandyopadhyay, deputy editor of the business daily *Mint*. In December, the Kolkata High Court issued a stay order

to halt publication of the journalist's book, *Sahara: The Untold Story*, until the case is resolved. The company also reportedly sought $32 million in damages. Journalists have sometimes been arrested on false charges for reporting on socially sensitive issues. One recent case involved Naveen Soorinje, who filmed an attack by a Hindu extremist mob on a group of boys and girls celebrating a birthday party. Soorinje was arrested in 2012 and accused of participating in the attack. He was released on bail in March 2013, and all charges against him were dropped in June.

Legal restrictions on and surveillance of internet content have been increasing in recent years. In April 2013, the government announced the launch of a new program, the Centralized Monitoring System, which for the first time would provide the government with centralized access to all communications data and content that travel through Indian telecommunications networks. The system would enable the government to listen to telephone calls in real time and read text messages, e-mail, and chat conversations. As noted by the Committee to Protect Journalists, the new system, coupled with lengthy jail sentences for failing to comply with a government decryption order, could be used against journalists who routinely rely on encryption and privacy to conduct their work.

The monitoring system is the latest in a series of setbacks for media freedom online. Under the 2000 Information Technology Act (ITA), amended in 2008, the government has the authority to block content, even if it is not obscene, whenever it is the "national interest" to do so. In 2013, many arrests for political speech on the internet took place under Section 66A of the ITA, which criminalizes speech that "causes annoyance or inconvenience." In 2011, the government had introduced rules that compel companies to remove objectionable content within 36 hours of receiving an official notice, and oblige cybercafés to install surveillance cameras and submit records of their users' online activity to the government. Also that year, the Indian government filed a defamation suit against Google and Facebook for failure to remove content that the government believed was likely to incite religious conflict; the case was still pending at the end of 2013. Google and Facebook reports have detailed the number of requests for user data that they receive from national governments, showing that India filed the second-highest number of requests, after the United States, for the first half of 2013.

Implementation of the landmark Right to Information (RTI) Act of 2005 has been mixed, with the majority of requests blocked due to the law's broad categorical restrictions on the release of information. The RTI Act's success has also been hindered by an overall lack of awareness of the rights it guarantees, a large backlog of appeals and requests, and widespread inefficiency within state and local governing bodies. In December 2013, a parliamentary committee approved an amendment to the act stating that political parties are not "public authorities" under the terms of the law, meaning citizens do not have the right to request information from them. Meanwhile, the Supreme Court in September recalled rules issued by the government in 2012 that had restricted membership on information commissions to retired judges and people with legal training. While some state governments are making an effort to disseminate information about the RTI Act, especially in rural and isolated areas, others are employing various means to make requests more onerous. A number of activists who have attempted to use the act to uncover abuses, particularly official corruption, have been harassed or even killed in recent years.

The Press Council of India (PCI), an independent self-regulatory body for the print media that is composed of journalists, publishers, and politicians, investigates complaints of misconduct or irresponsible reporting, but does not have punitive powers. The regulatory framework for the rapidly expanding broadcast sector does not presently feature an independent agency that is free from political influence. The News Broadcasters' Association, an industry body that primarily represents the television sector, issued a new set of self-regulatory guidelines in 2009, covering topics including crime, violence, and national security in the wake of the 2008 Mumbai terrorist attacks. A series of scandals, including the 2012 arrests of two editors on charges of extortion,

prompted media critics to call for greater regulatory curbs on unethical journalism in 2013. In May, the parliamentary committee on information technology proposed establishing a statutory regulator for print and electronic media. While access to the profession of journalism is open, an accreditation mechanism for online journalists has not yet been developed. Media industry groups and local press freedom advocacy organizations remain fragile.

Politicized interference in editorial content and staffing decisions is a growing concern, and it appeared to be increasing in the run-up to national elections planned for 2014. There were two cases in the print sector in 2013 that demonstrated how the political interests of media owners compromise the independence of their outlets. In October, Hartosh Singh Bal, editor of the English-language weekly *Open*, was fired after publishing an article that criticized Rahul Gandhi, the Congress party's expected nominee for the premiership. Many analysts noted the close ties between the owners of *Open* and the Congress party. Also in October, Siddharth Varadarajan resigned as editor in chief of the *Hindu*, a widely circulated and respected daily, after the newspaper's owners decided to retake control over the editorial board in a move that was likely related to their political interests. N. Ram, the chairman of the paper's parent company, subsequently cited concerns that the *Hindu*'s political coverage under Varadarajan had been too tendentious, without giving examples. Varadarajan, whose appointment as editor had been legally contested by a member of the Hindu nationalist Bharatiya Janata Party (BJP) in 2011, had a declared commitment to taking on powerful corporate interests and stated that the *Hindu* became more "feisty and readable" during his tenure. Analysts noted that in general, mainstream media tilted to the right amid widespread expectations that the BJP would win the 2014 elections.

Despite increasing diversity in the print and online media sectors, outlets have difficulty accessing official information, and some self-censor to avoid losing state government advertising, which is a key source of revenue. Foreign journalists continue to have occasional difficulty in obtaining visas to report from within the country, particularly if their prior reporting has been critical of the national or state governments.

Physical violence and intimidation toward journalists in India increased in 2013 relative to the previous year. The Committee to Protect Journalists found that six were killed in 2013, noting that it had confirmed a link to the victim's journalistic work in at least three of the cases. In August, unidentified gunmen shot and killed Narendra Dabholkar, the editor of a Marathi-language weekly magazine that advanced his emphasis on scientific thought and opposition to religious superstition. Rajesh Verma, a stringer for IBN 7 television, was shot to death in September while covering clashes between Hindus and Muslims in the Muzaffarnagar district of Uttar Pradesh, causing other journalists to protest and demand an investigation. Prime Minister Manmohan Singh met with Verma's family to offer financial support and promise justice, but the killer was not found. In December, Maoist insurgents took responsibility for the deadly stabbing of a journalist in Chhattisgarh who they believed was an informant for the police.

Journalists continued to face other forms of brutal violence and harassment in 2013. In August, a photojournalist was gang-raped in Mumbai by men who accused her of trespassing and questioned whether she had permission to photograph buildings in the area. Other members of the media were beaten, threatened, or detained by police, political activists, right-wing groups, insurgents, local officials, or criminals. One media outlet was targeted in Mangalore in February, when over a dozen people affiliated with a right-wing Hindu group beat a staff member with iron rods, torched copies of the paper, and threatened vendors selling the publication. Such violence is encouraged by a prevailing climate of impunity, with most past murders remaining unsolved.

Members of the press are particularly vulnerable in rural areas and insurgency-racked states such as Chhattisgarh, Jammu and Kashmir, Assam, and Manipur, where they face physical violence, harassment, and censorship from the government or militant groups seeking to slant coverage a

certain way. In July 2013, two journalists from the English-language daily *Rising Kashmir* were beaten by members of the Central Reserve Police Force. In February, the government temporarily blocked all media services, including television news channels, newspapers, mobile phones, and the internet, after the court-ordered execution of a Kashmiri militant in New Delhi. Local journalists were also denied curfew passes, severely limiting their ability to report during this period.

India is one of the few countries in the world where print media remain a vibrant and financially sustainable growth industry, and there are rising numbers of print and broadcast outlets that cater to national or various regional or linguistic audiences. Most print outlets, particularly in the national and English-language press, are privately owned, provide diverse coverage, and frequently scrutinize the government. The low cost of newspapers – which are sold at prices far below the cost of production – ensures wider access to print media than in most low-income countries. The broadcast media are predominantly in private hands, and diversity in the television sector has expanded dramatically. At present, India is home to more than 90,000 print publications and more than 700 television channels, with a significant proportion focused on news and current events.

Despite these favorable features, the ownership structure of India's media market continues to compromise objectivity in both print and broadcast journalism. India's state-controlled television station, Doordarshan, has been accused of manipulating the news to favor the government, and some private satellite television channels provide coverage that reflects the political affiliations of their owners, according to past U.S. State Department reports. There is evidence that political influence in media ownership is systemic in India. According to a 2012 report by the *Business Standard*, local politicians own an estimated 60 percent of the country's cable distribution systems. CPJ has documented cases in which this has enabled politicians to block television channels for broadcasting news that adversely affected their interests. The state retains a monopoly on AM radio broadcasting, and private FM radio stations are not allowed to air news content. Under a 2006 policy that provided guidelines for the ownership and operation of community radio stations by civil society groups, there has been a modest increase in the number of small nonprofit outlets. As of late 2013, the World Bank reported that 141 community stations were functioning.

Access to foreign media, with the exception of some outlets based in Pakistan, is generally unrestricted. However, authorities sometimes block distribution of certain foreign print editions due to content such as maps of the disputed Kashmir region. In recent years, intelligence agencies have also objected to broadcasts from neighboring countries that contain "anti-India" content, and the government has attempted to block service providers from carrying them and increase the penalties for doing so. Some impediments to production and distribution of domestic media, such as blockades of newspapers or official instructions not to carry certain cable channels, also occasionally arise.

National and state governments have used financial means, such as advertising purchases, to reward or punish news outlets for their coverage. Other concerns include bribery of journalists or editors by government or private interests, as well as the erosion of barriers between the editorial and advertising departments at many outlets, sometimes through the use of "private treaties" with major companies. Despite investigations by India's election commissioner and the PCI, the practice of "cash for coverage" – in which payments are made to secure favorable reporting on candidates and parties, particularly during election cycles – remains deeply entrenched. Many prominent journalists were implicated in a scandal in which wiretaps of corporate lobbyist Nira Radia by the Income Tax Department revealed that politicians and other influence peddlers commonly bribed journalists with vacations and stays in luxury hotels. A number of media outlets, including those whose staffers were compromised by the tapes, did not cover the scandal until compelled to do so by pressure from social-media users.

Some 15 percent of India's population had access to the internet in 2013. Mobile telephones are increasingly used to gather and disseminate news and information, particularly in rural communities and areas with high rates of illiteracy. However, the government retains the power to obstruct online and mobile communications.





## Countries

- India

## Topics

- Freedom of expression
- Freedom of information